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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,942	11/14/2003	Hiroaki Endo	03500.017819	7415
5514 7590 09/25/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WENDMAGEGN, GIRUMSEW	
			ART UNIT 2621	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,942

Applicant(s)

ENDO, HIROAKI

Examiner

Girumsew Wendmagegn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-2, 4-7,9-11,13-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguro (Patent No. US 6,026,212).

Regarding claim1, 10, Oguro anticipates a recording apparatus for encoding image data to record it onto a recording medium, comprising: encoding means for encoding an inputted image signal by a plurality of different encoding methods to form a plurality of encoded image data (see figure9 element 5 and 6); sync data generating means for generating a plurality of sync data having different patterns respectively corresponding to said plurality of encoding methods (see figure9 element 10, column1 line 53-55) ; control means for controlling said sync data generating means so as to output said sync data having the pattern corresponding to a selected one of said plurality of encoding methods (see figure9 element 4); and recording means for forming a plurality of sync blocks by adding said sync data corresponding to said selected encoding method to each of a predetermined amount of said encoded image data encoded by the selected encoding method and recording an encoded data stream

constructed by said plurality of sync blocks onto the recording medium (see figure9 element8, 11 and 20).

Regarding claim2, 11, Ogudo anticipates an apparatus according to claim1, wherein said plurality of encoding methods include a high quality encoding method of encoding a video signal of high quality and a standard quality encoding method of encoding a video signal of standard quality (column12 line 19-24)

Regarding claim4, an apparatus according to claim1, further comprising: reproducing means for reproducing the encoded data stream from said recording medium (see figure19 element 21); decoding means for decoding by said plurality of encoding methods the encoded image data in the encoded data stream reproduced by said reproducing means (see figure19 element 25 and 26); sync data detecting means for detecting said sync data from a plurality of sync blocks reproduced by said reproducing means and discriminating the encoding method of said reproduced encoded image data on the basis of a result of said detection(see figure19 element 30); and control means for controlling the encoding method which is used in said decoding means on the basis of the encoding method discriminated by said sync data detecting means (see figure19 element 29).

Regarding claim 5, 13, Ogudo anticipates an apparatus according to claim 1, wherein said recording medium is magnetic tape (see figure 9 element 20 magnetic tape).

Regarding claim 6, 14, Ogudo anticipates a reproducing apparatus for reading out image data from a recording medium to reproduce it, comprising: reproducing means for reproducing an encoded data stream from said recording medium (see figure 19 element 21); decoding means for decoding by a plurality of different encoding methods encoded image data in the encoded data stream reproduced by said reproducing means (see figure 19 element 25 and 26); sync data detecting means for detecting sync data from a plurality of sync blocks in the encoded data stream reproduced by said reproducing means and discriminating the encoding method of said reproduced encoded image data in accordance with a result of said detection (see figure 19 element 30); and control means for controlling the encoding method which is used in said decoding means on the basis of the encoding method discriminated by said sync data detecting means (see figure 19 element 29).

Regarding claim 7 and 15, Ogudo anticipates an apparatus according to claim 6, wherein said plurality of encoding methods include a high quality encoding method of encoding a video signal of high quality and a standard quality encoding method of encoding a video signal of standard quality (column 12 line 19-24).

Regarding claim9, 17, Ogudo anticipates an apparatus according to claim 6, wherein said recording medium is a magnetic tape (see figure9 element 20 magnetic tape).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim3, 8,12,and16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogudo (Patent No. US 6,026,212).

Regarding claim3, 8,12 and 16, see the teaching of Ogudo above. Ogudo does not teach MP@HL method or an MP@H-14 method in MPEG encoding system for high quality encoding method and a DV format method specified by the HD Digital VCR Council for standard quality encoding method. However it is old and well known in the art to use MP@HL method or an MP@H-14 method in MPEG encoding system for high quality encoding method and a DV format method specified by the HD Digital VCR Council for standard quality encoding method. Therefor official notice is taken.


One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the well known encoding standards in to Oguro apparatus because it is widely used standard.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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